

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STERLING SUFFOLK RACECOURSE,  
LLC,

Plaintiff,

v.

WYNN RESORTS, LTD, et al.,

Defendants.

Civil Action No. 1:18-cv-11963-PBS

REQUEST FOR ORAL ARGUMENT

**DEFENDANT KIMMARIE SINATRA’S MOTION TO DISMISS THE AMENDED  
COMPLAINT**

Defendant Kimmarie Sinatra respectfully moves to dismiss Plaintiff Sterling Suffolk Racecourse, LLC’s (“Sterling”) Amended Complaint for failure to state a claim against her. Plaintiff’s RICO claims must be dismissed because – in addition to the arguments made by the other Defendants’ motions to dismiss and Wynn Resorts, Ltd., Wynn MA, LLC, and Matthew Maddox’s Special Motion to Dismiss, which Ms. Sinatra incorporates by reference – the Amended Complaint fails to plead the existence of a RICO enterprise. Further, each of Plaintiff’s claims must be dismissed for the separate and independent reason that Plaintiff fails to specifically allege that Ms. Sinatra did anything to further any purported scheme in violation of the federal RICO statute or state law.

In support of this Motion to Dismiss, Ms. Sinatra relies on the accompanying Memorandum of Law and the motions and supporting memoranda incorporated therein.

**REQUEST FOR ORAL ARGUMENT**

Ms. Sinatra respectfully requests oral argument to assist this Court in deciding this Motion to Dismiss.

Dated: March 8, 2019

Respectfully submitted,

**KIMMARIE SINATRA**

By her counsel,

/s/ Douglas H. Meal

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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I certify that counsel for Defendants has conferred with counsel for Plaintiff in a good faith attempt to resolve or narrow the issues raised by this motion.

/s/ Douglas H. Meal

Douglas H. Meal

**CERTIFICATE OF SERVICE**

I, Douglas H. Meal, hereby certify that, on March 8, 2019, true and accurate copies of the foregoing were served on counsel for all parties through ECF.

/s/ Douglas H. Meal

Douglas H. Meal